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The following orders were entered during this period:

- No. 2, p. 4, 5. In relation to John Wiseman, case of scandal.  
 P. 5. In relation to letters of administration.  
 P. 8. About Accomac tythes, also p. 30.  
 14. Savage to do penance, &c.  
 15. Lawrence *vs.* Bord, for slander of wife.  
 22. Assembly to be summoned for 10th of January,  
 1641-2.  
 25. Commissions to trade.  
 26. Richard Lee made clerk of the Council.  
 27. Assembly to be summoned for 15th of March,  
 1641-2.  
 27, 8. Commissioners, captains, &c., to continue in  
 force till farther order.  
 28. Upon the death of Roger Wingate [Treasurer],  
 Richard Morrison elected to the council.  
 Various other councillors sworn.  
 29. Governor to sign patents without waiting for  
 new treasurer.  
 30, 31. Judgment for defaming the governor.  
 35. Commissions added for Accomack and Charles  
 City.

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### VIRGINIA IN 1638-'39.

(Abstracts by W. N. Sainsbury, and copies in McDonald and De  
 Jarnett Papers, Virginia State Library.)

(CONTINUED.)

#### PETITION OF CAPT. RICHARD MORRISON TO THE PRIVY COUNCIL.

(Abstract.)

[March 8, 1638.]

Petition of Captain Richard Morison to the Privy Council—  
 Not long since the king, by letters patent, appointed him to the  
 command of a Fort called Point Comfort, in Virginia, with all  
 perquisites received by his predecessor Capt. Hooke, but their  
 Lordships upon some clamours of the traders there commanded

a stop of those payments. Pray that the stop may be taken away and that petitioner may enjoy the full benefit of his patent. With reference to the sub-committees for Foreign Plantations to report their opinion concerning the same.

(*Colonial Papers*, Vol. 10, No. 11.)

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[INCLOSURE IN ABOVE.]

(Abstract.)

Report of the Sub-Committee for Foreign Plantations on petition of Captain Richard Morison, That the keeping a register by the petitioner of all passengers into that Colony and the ministering the oaths of supremacy and allegiance unto them is very necessary and of great importance for his Maj. service & the benefit of the Plantation in general, and that the imposition or payment of 6<sup>d</sup> per poll pp. is but a thing of small value and was agreed to & settled by the General Assembly of the Whole Colony and by several Acts of Court there, and they are therefore of opinion the same is fit to be continued.

2 April, 1639. (*Colonial Papers*, Vol. 10, No. 11, 3.)

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GOVERNOR AND COUNCIL TO THE PRIVY COUNCIL.

(Copy.)

Virginia, March 23, 1638-'9.

Right Honorable:

We received your Lordships Order of the 29th of November last past requiring us to cause all the goods and cattell adjudged by act of Counsell heere the third of March, 1636, to John Woodall of London, Chirurgion, from the Estate of Capitaine Samuell Mathewes to be restored and continued in the possession of the sayd Woodall, which with all obedience is executed.

And whereas your Lordships further require from us to informe ourselves and make certificate unto your Lordships of the true state of the cause between the sayd Woodall, plaintife, and the sayd Mathewes, defendant, and of the proceedings had thereupon. And in particular whether the seute were commensed before or after the sayd Mathewes departure from hence, and whether he did leave any Agent authorized to follow and defend the sayd cause in his absence, your Lordships may

please to be informed that the claime and title of the sayd Woodall to the cattle in question proceeded from a purchase made by him of a stock of cattell from Sir Samuell Argoll, since deceased, which said stock had been formerly trusted by the sayd Sir Samuell Argoll to the Custodye and oversight of one Mr. Abraham Peirse, since also deceased, in Virginia, with whose relict and executrix Captaine Mathewes intermarrying and in her right possessing himself of the Estate of the sayd Peirse, he did also, by colour thereof, invest himself unto the sayd stock of cattell purchased by the sayd Woodall as aforesaid. Notwithstanding the sayd stock were never brought into the Inventorye of Mr. Peirse, his Estate, being distinguished by severall markes in his lyfetyne from his owne stock, as by the testimonye upon oath of the cowkeepers appeareth.

For the stock of cattell thus accreuing to and thus detained by Captaine Mathewes, the seute was commensed by the sayd Woodall against him; Whereupon upon the second of March, 1636, a Jurye of Inquirye was impanelled, who by evidence found and did returne.

That after the Massacre (vizt ), that yeare being Anno 1621, there were remaining of the stock in question, two female cattell which had that yeare two cove calves of the increase whereof unto the yeare 1628 they could fynd noe accompt or satisfaction given to Mr. Woodall, whose increase therefore they did indifferently compute might amount unto the number of fyteene. About the yeare 1623 they found by evidence that one Captaine William Perry (who did testifye the same upon oath to them) did deliver two female cattell more to the sayd Peirse, which were belonging to the stock of the beforesayd Sir Samuell Argoll, of which and their increase they did fynd an accompt to be kept from tyme to tyme untill they were surrendered by order of the Court, Anno 1631, to one Thomas Eaton, then an agent for the sayd Woodall.

But for the former number of fyteene head which they did compute with the increase, to belong to the sayd stock of Sir Samuell Argall, Anno 1628, from the sayd stock in the possession of the said Peirse at the Massacre, they found noe satisfaction or accompt of them as aforesayd given to the sayd Woodall, and therefore computing the increase of the said fyteene head

from the yeare 1628 to the tyme of theire inquirye (vizt), 1636, they did returne the number of fiftye head due to the sayd Woodall to be equally accompted, the one half male the other half female; which number were to be made good by the sayd Captaine Mathewes from the Estate of the sayd Peirse, which came wholly to the possession of the sayd Captaine Mathewes; which was accordingly ordered the third of March, 1636.

And Captaine Mathewes, before his departure for England, was acquainted by the Governor in the presence of two of the Counsell, that your Lordships had required him with the rest of the Counsell, to doe the sayd Woodall justice against any such who had detained any part of his Estate from him; and that the Agent of the sayd Woodall had preferred his petition against him for deteyning certaine Cattle from him, and therefore he was required to prepare himself for a hearing. Whereto the sayd Mathewes replied that he would leave one Mayor to defend his cause, who accordingly did appear in the sayd cause, but could produce noe evidence to cleare Captaine Mathewes or to overthrow Woodall's right, though he was often and particularly questioned by the Jurye therein, as the foreman of the sayd Jurors now againe testified what other Justice the affaires of Mr. Woodall shall require from us according to your Lordships order now againe sent us to that purpose wee shall with deu obedience afford.

Thus humbly resting,

Your Lordships hum<sup>bl</sup> in all commande,

(Signed)

John Harvey, Rich. Kemp,  
H. Browne, W. Brocas.

James Cittie, this 23rd March, 1638.

To the Right Honorable the Lords and others of his Majesties Most Honorable Privey Councill, &c.

*S. P. O. Colonial*, Vol. 10, No. 14.

GOVERNOR AND COUNCIL OF VIRGINIA TO THE PRIVY  
COUNCIL.

(Abstract.)

March 26, 1639.

Governor Harvey and the Council of Virginia to the Lords of

the Privy Council. Have received their order of 27 July last, with a petition inclosed in the name of Lawrence Evans, merchant, complaining of a great and foul abuse done unto him by Francis Poythres residing here, and directing them carefully to examine the differences between said parties and afford pet<sup>r</sup> their best help and assistance for the recovery of his goods unjustly detained by said Poythres. Have called before them said Poythres & George Brooke, agent for said Evans, and after a long hearing ordered a Commission of four of the ablest merchants in the Colony to certify whether they find said Poythres authorized by Evans as his factor. Present herewith said Certificate with two acts of the Council thereon. Signed by Sir John Harvey, Rich<sup>d</sup> Kemp, Hen. Browne, & W. Brocas.

(*Colonial Papers*, Vol. 10, No. 15.)

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[INCLOSURES TO ABOVE.]

Order at a Quarter Court holden at James City appointing John Chew, Thomas Stegg, Thomas Burbage and George Ludlow, Merchants, Commissioners to report upon the differences depending between Lawrence Evans, of London, Merchant, and Francis Poythres, of Virginia, planter.

20 March, 1638(-9). Certified Copy by Rich. Kemp.

The report of the aforesaid Commiss<sup>rs</sup>. That Poythres was factor for Evans and ought to have, according to the date and custom of the country, Ten pounds in the hundred for his Commission for goods sold and tobaccos received.

13,876 lbs of tobacco 22 March, 1638(-9), 2 pp., certified copy by Rich. Kemp.

Order at a Quarter Court holden at James City. That George Brookes, Agent or Factor for Lawrence Evans, pay the aforesaid quantity of tobacco to Poythres according to the certificate of above Commiss<sup>rs</sup>. 22 March, 1638(-9). Certified copy by Rich. Kemp, Secrit.

(*Colonial Papers*, Vol. 10, Nos. 15, I, II, III.

(TO BE CONTINUED.)